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**Mayer & Williams PC**  
**Intellectual Property Law**

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**CENTRAL FAX CENTER**  
**JUN 12 2006**

# Fax

**To:** Office of Initial Patent Examination      **From:** Marjorie Scariati  

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**Fax:** 571-273-8300      **Pages:** 10  

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**Phone:**      **Date:** 06/12/2006  

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**Re:** 10/667,151      **CC:**  

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 **Urgent**     **For Review**     **Please Comment**     **Please Reply**     **Please Recycle**

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**PRIVACY AND CONFIDENTIALITY NOTICE**

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*If you received this communication in error, please immediately notify us by a collect telephone call to the writer and return the original message and documents to us at the above address via the United States postal service.*

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Please see the attached Petition to Withdraw Holding of Abandonment Under 37 CFR 1.181(a) and Statement Accompanying Petition, including copy of the Notice of Abandonment, date-stamped itemized postcard, copy of Deposit Account statement of March 2004 (page 2 of 4), Statement of Marjorie Scariati, and copy of docket record

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JUN 12 2006

Serial No.: 10/667,151

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Sheng-Ping Zhong et al.

Serial No.: 10/667,151

Filed: 09/18/2003

Title: INJECTABLE THERAPEUTIC FORMULATIONS

Art Unit: 1642

Examiner: Unassigned

Confirm. No.: 8726

Docket No.: 03-151US1

Via Facsimile: 571-273-8300

Attn: Office of Initial Patent Examination

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

**PETITION TO WITHDRAW HOLDING OF ABANDONMENT UNDER 37 CFR 1.181(a)**  
**AND STATEMENT ACCOMPANYING PETITION**

Sir:

This Petition to Withdraw Holding of Abandonment is filed in response to the Notice of Abandonment mailed April 12, 2006.

The Notice of Abandonment indicates that no reply to the Notice to File Missing Parts mailed December 12, 2003 was filed. However, the applicant did timely file a response via first class mail on March 12, 2004, true copy enclosed.

Per the requirements of the Notice of Abandonment, receipt of the Response to Notice to File Missing Parts by the USPTO is confirmed by the enclosed copy of the itemized date-stamped postcard, which includes a Patent and Trademark Office Date Stamp of March 15, 2004. In the response, the Commissioner was authorized to charge all required fees to the undersigned attorney's PTO Deposit Account. Per the enclosed copy of the undersigned attorney's PTO

Serial No.: 10/667,151

Deposit Account statement of March 2004, page 2 of 4, all fees believed to be due were charged to Deposit Account 50-1047 on March 17, 2004. Authorization to charge any deficiencies was provided in the Response, and there were ample funds in the account to cover any additional fees due.

In reviewing the status of the application on June 8, 2006, the undersigned attorney's legal assistant, Marjorie Scariati, noted that a Notice of Incomplete Reply was apparently mailed on April 2, 2004, requiring the payment of additional claims fees in the amount of \$2,520, due to the existence of multiple dependent claims. The Notice of Incomplete Reply was never received in the undersigned attorney's office.

Enclosed please find a statement signed by Ms. Scariati, in which she states that the Notice of Incomplete Reply was not received, and attests to the fact that a search of the file jacket and docket records indicates that the Notice of Incomplete Reply was not received. A copy of the docket record where the non-received Notice would have been entered had it been received and docketed is enclosed as well.

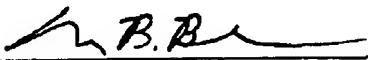
In view of the above circumstances, Applicant hereby petitions the Commissioner to grant this Petition to Withdraw Holding of Abandonment and to charge the payment of additional claims fees in the amount of \$2,520. The additional claims fees should be billed at the original amount of \$2520, and should not be calculated based on the current fee structure, because these fees should simply have been charged to our deposit account in 2004 when due, as we had provided authorization to do so, and as we had sufficient funds in the account.

In the alternative, the Commissioner may wish to mail a new Notice to File Missing Parts. (In this regard, the period for reply to the Notice of Incomplete Reply ran from the mailing date of the Notice to File Missing Parts. However, the period for response to the Notice to File Missing Parts has passed. Thus, issuing a new Notice of Incomplete Reply running from the mailing date of the earlier Notice to File Missing Parts would be pointless.)

While it is not believed that any fees are due as a result of this Petition to Withdraw Holding of Abandonment, the Commissioner is hereby authorized to charge any fees that may be due to the undersigned attorney's PTO Deposit Account #50-1047.

Serial No.: 10/667,151

Respectfully submitted,

  
\_\_\_\_\_  
David B. Bonham Reg. No. 34,297

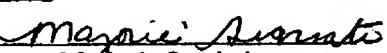
Attorney for Applicant  
Mayer & Williams, PC  
251 North Avenue West, 2<sup>nd</sup> Floor  
Westfield, NJ 07090

Tel.: 703-433-0510  
Fax: 703-433-2362

**CERTIFICATE OF FACSIMILE TRANSMISSION**

I hereby certify that this document, and any document referenced herein, has been transmitted via facsimile to the US Patent and Trademark Office, Office of Initial Patent Examination at (571) 273-8300 on

6/12/06

  
Marjorie Scariati  
Marjorie Scariati



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: 110 MARSHALL STREET FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/667,151	09/18/2003	Sheng-Ping Zhong	03-151US1

**CONFIRMATION NO. 8726**  
**ABANDONMENT/TERMINATION**  
**LETTER**

27774  
 MAYER & WILLIAMS PC  
 251 NORTH AVENUE WEST  
 2ND FLOOR  
 WESTFIELD, NJ 07090

**BEST AVAILABLE COPY**

Date Mailed: 04/12/2006

**NOTICE OF ABANDONMENT UNDER 37 CFR 1.53 (f) OR (g)**

The above-identified application is abandoned for failure to timely or properly reply to the Notice to File Missing Parts (Notice) mailed on 12/12/2003.

- No reply was received.

If a complete reply to the notice was previously filed by applicant within the time period set forth in the notice, applicant may request for reconsideration of the holding of abandonment within 2 months from the mailing of this notice of abandonment by filing a petition to withdraw the holding of abandonment under 37 CFR 1.181(a). No petition fee is required. The petition must be accompanied by a true copy of the originally filed reply and the item(s) identified in one of the following:

1. A properly itemized date-stamped postcard receipt (see MPEP § 503);
2. If the originally filed reply included a certificate of mailing or transmission in compliance with 37 CFR 1.8(a), a copy of the certificate of mailing or transmission and a statement in compliance with 37 CFR 1.8(b) (see MPEP §§ 512); or
3. If the reply was filed via Express Mail, a submission satisfying the requirements of 37 CFR 1.10(e) including, for example, a copy of the Express Mail mailing label showing the "date-in" (see MPEP § 513).

Any petition to withdraw the holding of abandonment should be directed to OIPE.

If applicant did not previously file a complete reply within the time period set forth in the notice, applicant may file a petition to revive the application under 37 CFR 1.137.

Under 37 CFR 1.137(a), a petition requesting the application be revived on the grounds of UNAVOIDABLE DELAY must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied by: (1) an adequate showing of the cause of unavoidable delay; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(l); and (4) a terminal disclaimer if required by 37 CFR 1.137(d). See MPEP § 711.03(c) and Form PTO/SB/61.

Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of UNINTENTIONAL DELAY must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by: (1) a statement that the entire delay was unintentional; (2) the required reply to the above-

identified Notice; (3) the petition fee set forth in 37 CFR 1.17(m); and (4) a terminal disclaimer if required by 37 CFR 1.137(d). See MPEP § 711.03(c) and Form PTO/SB/64.

Any questions concerning petitions to revive should be directed to the "Office of Petitions" at (571) 272-3282.

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*2138*  
*A copy of this notice MUST be returned with the reply.*

Office of Initial Patent Examination (571) 272-4000, or 1-800-PTO-9199, or 1-800-972-6382  
PART 2 - COPY TO BE RETURNED WITH RESPONSE

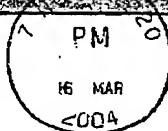
**BEST AVAILABLE COPY**

RECEIVED IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

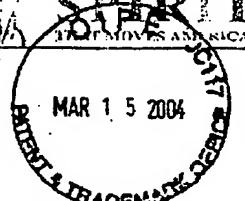
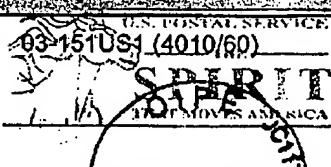
Via First Class Mail

Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313 - 1450

Re: 10/667,151



Docket: 03-151US1 (4010/60)



MAR 15 2004

Please date stamp to confirm receipt of:

1. Response to Notice to File Missing Parts, including Certificate of Mailing by First Class Mail
2. Copy of the Notice to File Missing Parts
3. Executed Declaration and Power of Attorney
4. Recordation Form Cover Sheet
5. Assignment in favor of Scimed Life Systems, Inc.
6. 3 page Transmittal of IDS
7. 1 page PTO-1449
8. 1 copy of each of 2 US Patent Publications, 4 US Patents, 1 Foreign Patent Publication

## Deposit Account Statement

Page 2 of 4

03/12 8	09745669	50N3787	1251	\$110.00	\$23,734.00
03/12 220	10681039	1022/1	2001	\$385.00	\$23,349.00
03/12 221	10681039	1022/1	2051	\$65.00	\$23,284.00
03/15 1	09481337	M-7692US	1251	\$110.00	\$23,174.00
03/15 3	09481337	M-7692US	1201	\$86.00	\$23,088.00
03/15 159	10142861	01-468	1501	\$1,330.00	\$21,758.00
03/15 160	10142861	01-468	1504	\$300.00	\$21,458.00
03/15 161	10142861	01-468	8001	\$18.00	\$21,440.00
03/15 265	10621028	9005/9	2001	\$385.00	\$21,055.00
03/15 266	10621028	9005/9	2051	\$65.00	\$20,990.00
03/15 267	10621028	9005/9	2201	\$43.00	\$20,947.00
03/15 268	10621028	9005/9	2202	\$126.00	\$20,821.00
03/16 91	10798592	00-0193 D1	1001	\$770.00	\$20,051.00
03/16 92	10798592	00-0193 D1	1202	\$342.00	\$19,709.00
03/16 124	10621028	9005/9	8021	\$40.00	\$19,669.00
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03/17 55	10457792	1012/1	2202	\$72.00	\$19,212.00
03/17 56	10457792	1012/1	2201	\$129.00	\$19,083.00
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03/17 58	10667151	03-151US1	1001	\$770.00	\$17,478.00
03/17 59	10664601	03-278US1	1051	\$130.00	\$17,348.00
03/17 59	10667151	03-151US1	1051	\$130.00	\$17,218.00
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03/17 62	10664601	03-278US1	1251	\$110.00	\$15,898.00
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03/17 124	10800348	50T5690.01	1001	\$770.00	\$15,018.00
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03/17 128	10691484	9000/7	2001	\$385.00	\$14,183.00
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03/18 27	10801231	03-205	1001	\$770.00	\$12,578.00
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03/18 31	10801228	03-089	1001	\$770.00	\$11,646.00
03/18 32	10801228	03-089	1202	\$54.00	\$11,592.00
03/18 33	09907782	0410022	2252	\$210.00	\$11,382.00
03/18 34	09907782	0410022	1806	\$180.00	\$11,202.00
03/18 98	PCT/US03/25108	GS 154 PCT	1605	\$600.00	\$10,602.00
03/18 99	PCT/US03/25108	GS 154 PCT	1705	\$148.00	\$10,454.00
03/18 166	10008999	061002	1806	\$180.00	\$10,274.00
03/18 168	10160611	041003	1806	\$180.00	\$10,094.00
03/18 181	09908642	038003	1801	\$770.00	\$9,324.00
03/19 68	10691483	9000/8	8021	\$40.00	\$9,284.00
03/19 69	10691484	9000/7	8021	\$40.00	\$9,244.00

Serial No.: 10/667,151

To The Office of Initial Patent Examination:

The undersigned states that the Notice of Incomplete Reply mailed to the office of Mayer & Williams PC on April 2, 2004 in patent application 10/667,151 was never received at the office of Mayer & Williams PC. A search of the file jacket and docket records confirms that the Notice mailed April 2, 2004 was never received. A copy of the docket record where the non-received Notice would have been entered had it been received and docketed is attached hereto.

Signed:

Marjorie Scariati

Printed name and title: Marjorie Scariati, Senior Patent Paralegal

**Country Application**

Thursday, June 08, 2006

<b>Case Number:</b> 4010/60	<b>Country:</b> US	<b>SubCase:</b>
<b>Client:</b> BOSTON SCIENTIFIC		United States of America
<b>Case Type:</b> ORD		<b>Application Status:</b> Published
<b>Application Number:</b> 10/667,151		<b>Filing Date:</b> 18-Sep-2003
<b>Patent Number:</b>		<b>Issue Date:</b>
<b>Publication Number:</b> US-2005-0064045-A1		<b>Publication Date:</b> 24-Mar-2005
<b>Priority Number:</b>		<b>Priority Date:</b>
<b>Tax Schedule:</b> LE		<b>Expiration Date:</b>
		<b>Tax Start Date:</b>
<b>Agent:</b>		
<b>Agent Reference Number:</b>		

**List Of Actions**

Action(s) Due	Due Date	Action Taken
COMPLETE 1st DRAFT	01-Aug-2003	Due Date 22-Aug-2003
COMPLETE REVISED DRAFT	01-Oct-2003	Due Date 08-Sep-2003
FINALIZE APPLICATION ?	01-Oct-2003	Due Date 18-Sep-2003
Information Disclosure Stmtnt	18-Dec-2003	Due Date 12-Mar-2004
Missing Parts Due	12-Feb-2004	Due Date 12-Mar-2004
1st Extension	12-Mar-2004	Reminder 12-Mar-2004
Foreign Filing Reminder	18-Mar-2004	Reminder 18-Mar-2004
2nd Extension	12-Apr-2004	Reminder 12-Mar-2004
3rd Extension	12-May-2004	Reminder 12-Mar-2004
Final Deadline	12-Jun-2004	Final 12-Mar-2004
3 MOS TO FOREIGN FILING	18-Jun-2004	Reminder 18-Jun-2004
2 MOS TO FOREIGN FILING	18-Jul-2004	Reminder 18-Jul-2004
1 MO TO FOREIGN FILING	18-Aug-2004	Reminder 18-Aug-2004
1 WK TO FOREIGN FILING	11-Sep-2004	Due Date 11-Sep-2004
Foreign Filing Due	18-Sep-2004	Final 15-Sep-2004
Application Status Check	18-Mar-2005	Due Date 18-Mar-2005
IDS CITING PCT SEARCH ART	26-Apr-2005	Due Date 14-Apr-2005
SUPPLEMENTAL IDS FILED?	19-Dec-2005	Due Date 21-Dec-2005
DEADLINE TO W/DRAW ABANDON	12-Jun-2006	Due Date
Request for Examination	18-Sep-2006	Due Date